

Appl. No.: 10/693,212
Amdt. dated June 12, 2006
Reply to Official Action of January 11, 2006

REMARKS

Upon entry of the instant Amendment, Claims 1-3 and 5-9 and 12 are pending. Claims 1 and 12 have been amended to more particularly point out the Applicant's invention. It is respectfully submitted that upon entry of the instant Amendment, the application is in condition for allowance.

SPECIFICATION

The disclosure has been objected to based upon various informalities set forth in Paragraph 1 of the Detailed Action. With respect to the phrase "C-shaped flat surface"; this phrase is being corrected as suggested by the Examiner. As such, this objection should be obviated. With respect to the duplication of the reference numeral 72, it is respectfully submitted that this issue and the corresponding drawing was corrected in the Amendment mailed on October 25, 2005. The Examiner is respectfully requested to reconsider and withdraw the above objections. With respect to the objection relating to the microswitch actuator 24 on page 7, lines 23-24, the objection is not clear. The Applicant respectfully requests more specificity with respect to this objection.

CLAIM REJECTIONS - 35 U.S.C. § 103

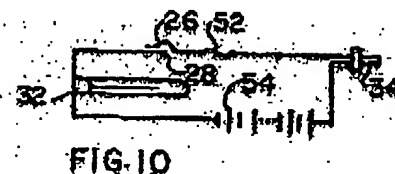
Claims 1-3, 5-8 and 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Batton US Patent No. 4,164,822 ("the Batton patent") in view of Modia et al US Patent No. 4,335,421 ("the Modia et al patent"). It is respectfully submitted that neither the Batton Patent nor the Modia et al patent discloses all of the features of the claims, as amended. In particular, the claims have been amended to recite an automatic control system which includes a sensor which does not require the film or item sensed to be in the electrical current path of the

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automatic control circuit. Indeed the Batton patent requires special maps with a conductive strip 30 along one edge, as shown below.

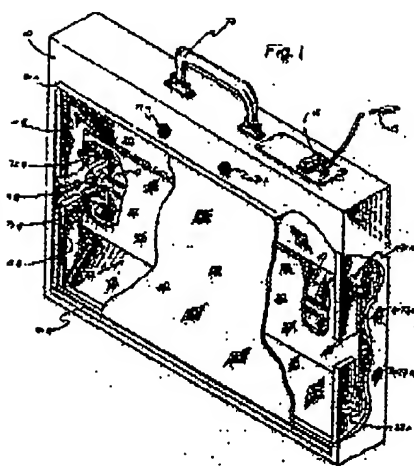


As further shown in Fig. 10 of the Batton patent, the conductive strip 30 forms part of the electrical circuit. Indeed, the conductive strip is used to complete the electrical current path between the contacts 26 and 28.



It is respectfully submitted that such a configuration poses a risk of a personnel hazard. The claims at issue recite automatic control circuits which are an improvement over the automatic control circuit taught by the Batton patent and do not impose any risks of personnel hazards. In addition, the automatic control circuits recited in the claims are adapted to work with virtually any film and do not require conductive strips.

The Modia patent was cited for disclosing a handle as shown below.



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It is clear that the Modia et al patent does not disclose a handle or knob as recited in the claims that is concealed when the device is resting on a flat surface.

With respect to the rejection of Claim 12 in Paragraph 12, it is respectfully submitted that the Examiner simply opines that it would be obvious to construct a device with a concealable handle even though none of the cited references disclose a concealed handle. Accordingly, it is respectfully submitted that the Examiner has failed to make out a *prima facie* case of obviousness as set forth in MPEP § 2143. In order to establish a *prima facie* case of obviousness, three criteria must be met as set forth in MPEP § 2143.

"First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination reasonable expectation of success must both be found in the prior art, not in the Applicant's disclosure."

As set forth in the MPEP § 2143, the cited references must disclose all of the elements of the claims. As mentioned above, the cited references do not disclose an automatic control circuit as recited in the claims or a concealed handle. In addition, cited references are being combined without any showing as required by MPEP § 2143 that there was any suggestion or motivation to

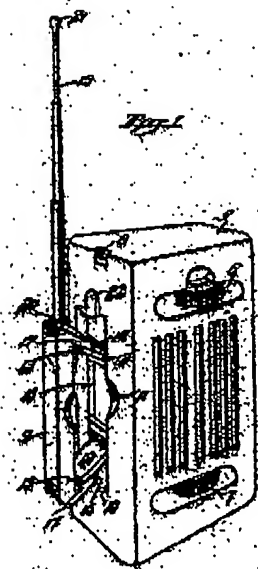
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combine the references as suggested by the Examiner. For the above reasons, the Examiner is respectfully requested to withdraw the rejection of claims 1-3, 5-8 and 12.

Claim 9 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Baton and Modia et al patents as discussed above and further in view of Pokrinchak US Patent No. 4,510,708 ("the Pokrinchak patent"). Claim 9 is dependent on claim 1 and relates to mechanical details of the film grip assembly. Although the Pokrinchak patent discloses an automatic control circuit for sensing when a film is placed in the viewer, the circuit is relatively complex and is configured to "remember" the size of the last film inserted into the machine, unlike the device recited in claim 9. Thus, it is respectfully submitted that the Pokrinchak patent in combination with the Baton and Modia et al patents do not disclose all of the elements of Claim 9. As such, it is respectfully submitted that the Examiner has failed to make out a *prima facie* case. For these reasons and the above reasons, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Claim 12 has also been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Baton and Modia et al patents and further in view of Patino, U. S. Patent 2,396,121 ("the Patino patent"). The Baton and Modia et al patents were discussed above. The Patino patent was cited for allegedly disclosing a device with a handle that "disappears". As shown in Fig. 1 of the Patino patent repeated below, the handle is simply retracted but not concealed when the device is in use.

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Thus, it is respectfully submitted that the Examiner has failed to make out a *prima facie* case since the cited references do not disclose all of the elements of Claim 12. For these reasons and the reasons above, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Respectfully submitted,

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